

AMENDED IN SENATE JUNE 5, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 987**

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**Introduced by Assembly Member Jones**

February 22, 2007

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An act to amend Sections 33334.3, 33413, and 33418 of the Health and Safety Code, relating to housing.

### LEGISLATIVE COUNSEL'S DIGEST

AB 987, as amended, Jones. Low and Moderate Income Housing Fund: affordability covenants and restrictions.

The Community Redevelopment Law requires that not less than 20% of the tax-increment revenue allocated to a redevelopment agency be used to increase, improve, and preserve the supply of the community's low- and moderate-income housing within the territorial jurisdiction of the agency, and for this purpose, the funds are held in a separate Low and Moderate Income Housing Fund.

The Community Redevelopment Law requires that all new or substantially rehabilitated housing units developed or otherwise assisted with moneys from the Low and Moderate Income Housing Fund pursuant to an agreement approved by an agency on or after January 1, 1988, remain available at affordable housing cost to, and occupied by, persons and families of low or moderate income and very low income and extremely low income households for the longest feasible time, but for not less than specified periods of time, except as specified. Existing law requires the agency to record these covenants and restrictions in the office of the county recorder for each parcel or unit that is subject

to these provisions. Existing law requires the covenants and restrictions to run with the land and be enforceable against the original owner and successors in interest by the agency or the community.

This bill, additionally, would require the covenants and restrictions to be enforceable by any person or family of low or moderate income, as defined.

The bill would require the recordation of a separate document, called ~~“Affordability Housing~~ *“Notice of Affordability Restrictions on Transfer of Property,”* for all new or substantially rehabilitated units developed or otherwise assisted with moneys from the Low to Moderate Income Fund after January 1, 2008. The bill would establish specific procedures for the recordation of the covenants and restrictions and the new *notice of affordability housing restriction restrictions* document.

The bill would require a redevelopment agency to compile and maintain a database of existing, new and substantially rehabilitated, housing units developed or otherwise assisted with moneys from the Low and Moderate Income Housing Fund, include certain information in the database, make the database available to the public *on the Internet*, and update it on an annual basis.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 33334.3 of the Health and Safety Code
- 2     is amended to read:
- 3     33334.3. (a) The funds that are required by Section 33334.2
- 4     or 33334.6 to be used for the purposes of increasing, improving,
- 5     and preserving the community’s supply of low- and
- 6     moderate-income housing shall be held in a separate Low and
- 7     Moderate Income Housing Fund until used.
- 8     (b) Any interest earned by the Low and Moderate Income
- 9     Housing Fund and any repayments or other income to the agency
- 10    for loans, advances, or grants, of any kind from the Low and
- 11    Moderate Income Housing Fund, shall accrue to and be deposited
- 12    in, the fund and may only be used in the manner prescribed for the
- 13    Low and Moderate Income Housing Fund.
- 14    (c) The moneys in the Low and Moderate Income Housing Fund
- 15    shall be used to increase, improve, and preserve the supply of low-

1 and moderate-income housing within the territorial jurisdiction of  
2 the agency.

3 (d) It is the intent of the Legislature that the Low and Moderate  
4 Income Housing Fund be used to the maximum extent possible to  
5 defray the costs of production, improvement, and preservation of  
6 low- and moderate-income housing and that the amount of money  
7 spent for planning and general administrative activities associated  
8 with the development, improvement, and preservation of that  
9 housing not be disproportionate to the amount actually spent for  
10 the costs of production, improvement, or preservation of that  
11 housing. The agency shall determine annually that the planning  
12 and administrative expenses are necessary for the production,  
13 improvement, or preservation of low- and moderate-income  
14 housing.

15 (e) (1) Planning and general administrative costs which may  
16 be paid with moneys from the Low and Moderate Income Housing  
17 Fund are those expenses incurred by the agency which are directly  
18 related to the programs and activities authorized under subdivision  
19 (e) of Section 33334.2 and are limited to the following:

20 (A) Costs incurred for salaries, wages, and related costs of the  
21 agency's staff or for services provided through interagency  
22 agreements, and agreements with contractors, including usual  
23 indirect costs related thereto.

24 (B) Costs incurred by a nonprofit corporation which are not  
25 directly attributable to a specific project.

26 (2) Legal, architectural, and engineering costs and other salaries,  
27 wages, and costs directly related to the planning and execution of  
28 a specific project that are authorized under subdivision (e) of  
29 Section 33334.2 and that are incurred by a nonprofit housing  
30 sponsor are not planning and administrative costs for the purposes  
31 of this section, but are instead project costs.

32 (f) (1) The requirements of this subdivision apply to all new or  
33 substantially rehabilitated housing units developed or otherwise  
34 assisted with moneys from the Low and Moderate Income Housing  
35 Fund, pursuant to an agreement approved by an agency on or after  
36 January 1, 1988. Except to the extent that a longer period of time  
37 may be required by other provisions of law, the agency shall require  
38 that housing units subject to this subdivision shall remain available  
39 at affordable housing cost to, and occupied by, persons and families  
40 of low or moderate income and very low income and extremely

1 low income households for the longest feasible time, but for not  
2 less than the following periods of time:

3 (A) Fifty-five years for rental units. However, the agency may  
4 replace rental units with equally affordable and comparable rental  
5 units in another location within the community if (i) the  
6 replacement units are available for occupancy prior to the  
7 displacement of any persons and families of low or moderate  
8 income residing in the units to be replaced and (ii) the comparable  
9 replacement units are not developed with moneys from the Low  
10 and Moderate Income Housing Fund.

11 (B) Forty-five years for owner-occupied units. However, the  
12 agency may permit sales of owner-occupied units prior to the  
13 expiration of the 45-year period for a price in excess of that  
14 otherwise permitted under this subdivision pursuant to an adopted  
15 program which protects the agency's investment of moneys from  
16 the Low and Moderate Income Housing Fund, including, but not  
17 limited to, an equity sharing program which establishes a schedule  
18 of equity sharing that permits retention by the seller of a portion  
19 of those excess proceeds based on the length of occupancy. The  
20 remainder of the excess proceeds of the sale shall be allocated to  
21 the agency and deposited in the Low and Moderate Income  
22 Housing Fund. Only the units originally assisted by the agency  
23 shall be counted towards the agency's obligations under Section  
24 33413.

25 (2) If land on which those dwelling units are located is deleted  
26 from the project area, the agency shall continue to require that  
27 those units remain affordable as specified in this subdivision.

28 (3) The agency shall require the recording in the office of the  
29 county recorder of the following documents:

30 (A) The covenants or restrictions implementing this subdivision  
31 for each parcel-~~of~~ *or* unit of real property that is subject to this  
32 subdivision. The agency shall obtain and maintain a copy of the  
33 recorded covenants or restrictions for not less than the life of the  
34 covenant or restriction.

35 (B) For all new or substantially rehabilitated units developed  
36 or otherwise assisted with moneys from the Low to Moderate  
37 Income Fund after January 1, 2008, a separate document called  
38 ~~"Affordability Housing Restrictions on Transfer of Property,"~~ set  
39 *"Notice of Affordability Restrictions on Transfer of Property,"* set

1 forth in 14-point type or larger. This document shall contain all of  
2 the following information:

3 (i) A recitation of the affordability covenants or restrictions. If  
4 the document recorded under this subparagraph is recorded  
5 concurrently with the covenants or restrictions recorded under  
6 subparagraph (A), the recitation of the affordability covenants or  
7 restrictions shall also reference the concurrently recorded document  
8 and recite the length of time the housing units will remain available  
9 at affordable housing cost to, and occupied by, persons and families  
10 of low-or moderate-income and very low income and extremely  
11 low income households, as applicable. If the document recorded  
12 under this subparagraph is not recorded concurrently with the  
13 covenants or restrictions recorded under subparagraph (A), the  
14 recitation of the affordability covenants or restrictions shall also  
15 reference the recorder's identification number of the document  
16 recorded under subparagraph (A).

17 (ii) The date the covenants or restrictions expire.

18 (iii) The street address of the property, including, if applicable,  
19 the unit number.

20 (iv) The assessor's parcel number for the property.

21 (v) The legal description of the property.

22 (4) The agency shall require the recording of the ~~documents~~  
23 *document* required under *subparagraph (B) of paragraph (3)* not  
24 more than 30 days after the date ~~of creation of the obligation of~~  
25 *recordation of the covenants or restrictions required under*  
26 *subparagraph (A) of paragraph (3).*

27 (5) The county recorder shall index the documents required to  
28 be recorded under paragraph (3) by the agency and current owner.

29 (6) Notwithstanding Section 27383 of the Government Code,  
30 a county recorder may charge all authorized recording fees to any  
31 party, including a public agency, for recording the document  
32 specified in subparagraph (B) of paragraph (3).

33 (7) Notwithstanding any other provision of law, the covenants  
34 or restrictions implementing this subdivision shall run with the  
35 land and shall be enforceable against the original owner and each  
36 successor in interest by the agency, the community, or any person  
37 or family of low or moderate income, as defined, in Section 50093.

38 (8) A dwelling unit shall not be counted as satisfying the  
39 ~~affordable housing production requirements of Section 33334.2,~~  
40 ~~or the replacement and production requirements of Section 33413,~~

1 *affordable housing requirements of this part*, unless covenants for  
2 that dwelling unit are recorded in compliance with this subdivision.

3 (9) *Failure to comply with the requirements of subparagraph*  
4 *(B) of paragraph (3) shall not invalidate any covenants or*  
5 *restrictions recorded pursuant to subparagraph (A) of paragraph*  
6 *(3).*

7 (g) “Housing,” as used in this section, includes residential hotels,  
8 as defined in subdivision (k) of Section 37912. The definitions of  
9 “lower income households,” “very low income households,” and  
10 “extremely low income households” in Sections 50079.5, 50105,  
11 and 50106 shall apply to this section. “Longest feasible time,” as  
12 used in this section, includes, but is not limited to, unlimited  
13 duration.

14 (h) “Increasing, improving, and preserving the community’s  
15 supply of low- and moderate-income housing,” as used in this  
16 section and in Section 33334.2, includes the preservation of rental  
17 housing units assisted by federal, state, or local government on the  
18 condition that units remain affordable to, and occupied by, low-  
19 and moderate-income households, including extremely low and  
20 very low income households, for the longest feasible time, but not  
21 less than 55 years, beyond the date the subsidies and use restrictions  
22 could be terminated and the assisted housing units converted to  
23 market rate rentals. In preserving these units the agency shall  
24 require that the units remain affordable to, and occupied by, persons  
25 and families of low- and moderate-income and extremely low and  
26 very low income households for the longest feasible time but not  
27 less than 55 years. However, the agency may replace rental units  
28 with equally affordable and comparable rental units in another  
29 location within the community if (1) the replacement units in  
30 another location are available for occupancy prior to the  
31 displacement of any persons and families of low or moderate  
32 income residing in the units to be replaced and (2) the comparable  
33 replacement units are not developed with moneys from the Low  
34 and Moderate Income Housing Fund.

35 (i) Agencies that have more than one project area may satisfy  
36 the requirements of Sections 33334.2 and 33334.6 and of this  
37 section by allocating, in any fiscal year, less than 20 percent in  
38 one project area, if the difference between the amount allocated  
39 and the 20 percent required is instead allocated, in that same fiscal  
40 year, to the Low and Moderate Income Housing Fund from tax

1 increment revenues from other project areas. Prior to allocating  
2 funds pursuant to this subdivision, the agency shall make the  
3 finding required by subdivision (g) of Section 33334.2.

4 (j) Funds from the Low and Moderate Income Housing Fund  
5 shall not be used to the extent that other reasonable means of  
6 private or commercial financing of the new or substantially  
7 rehabilitated units at the same level of affordability and quantity  
8 are reasonably available to the agency or to the owner of the units.  
9 Prior to the expenditure of funds from the Low and Moderate  
10 Income Housing Fund for new or substantially rehabilitated  
11 housing units, where those funds will exceed 50 percent of the  
12 cost of producing the units, the agency shall find, based on  
13 substantial evidence, that the use of the funds is necessary because  
14 the agency or owner of the units has made a good faith attempt  
15 but been unable to obtain commercial or private means of financing  
16 the units at the same level of affordability and quantity.

17 SEC. 2. Section 33413 of the Health and Safety Code is  
18 amended to read:

19 33413. (a) Whenever dwelling units housing persons and  
20 families of low or moderate income are destroyed or removed from  
21 the low- and moderate-income housing market as part of a  
22 redevelopment project that is subject to a written agreement with  
23 the agency or where financial assistance has been provided by the  
24 agency, the agency shall, within four years of the destruction or  
25 removal, rehabilitate, develop, or construct, or cause to be  
26 rehabilitated, developed, or constructed, for rental or sale to persons  
27 and families of low or moderate income, an equal number of  
28 replacement dwelling units that have an equal or greater number  
29 of bedrooms as those destroyed or removed units at affordable  
30 housing costs within the territorial jurisdiction of the agency. When  
31 dwelling units are destroyed or removed after September 1, 1989,  
32 75 percent of the replacement dwelling units shall replace dwelling  
33 units available at affordable housing cost in the same or a lower  
34 income level of very low income households, lower income  
35 households, and persons and families of low and moderate income,  
36 as the persons displaced from those destroyed or removed units.  
37 When dwelling units are destroyed or removed on or after January  
38 1, 2002, 100 percent of the replacement dwelling units shall be  
39 available at affordable housing cost to persons in the same or a

1 lower income category (low, very low, or moderate), as the persons  
2 displaced from those destroyed or removed units.

3 (b) (1) Prior to the time limit on the effectiveness of the  
4 redevelopment plan established pursuant to Sections 33333.2,  
5 33333.6, and 33333.10 at least 30 percent of all new and  
6 substantially rehabilitated dwelling units developed by an agency  
7 shall be available at affordable housing cost to, and occupied by,  
8 persons and families of low or moderate income. Not less than 50  
9 percent of the dwelling units required to be available at affordable  
10 housing cost to, and occupied by, persons and families of low or  
11 moderate income shall be available at affordable housing cost to,  
12 and occupied by, very low income households.

13 (2) (A) (i) Prior to the time limit on the effectiveness of the  
14 redevelopment plan established pursuant to Sections 33333.2,  
15 33333.6, and 33333.10 at least 15 percent of all new and  
16 substantially rehabilitated dwelling units developed within a project  
17 area under the jurisdiction of an agency by public or private entities  
18 or persons other than the agency shall be available at affordable  
19 housing cost to, and occupied by, persons and families of low or  
20 moderate income. Not less than 40 percent of the dwelling units  
21 required to be available at affordable housing cost to, and occupied  
22 by, persons and families of low or moderate income shall be  
23 available at affordable housing cost to, and occupied by, very low  
24 income households.

25 (ii) To satisfy this paragraph, in whole or in part, the agency  
26 may cause, by regulation or agreement, to be available, at  
27 affordable housing cost, to, and occupied by, persons and families  
28 of low or moderate income or to very low income households, as  
29 applicable, two units outside a project area for each unit that  
30 otherwise would have been required to be available inside a project  
31 area.

32 (iii) On or after January 1, 2002, as used in this paragraph and  
33 in paragraph (1), “substantially rehabilitated dwelling units” means  
34 all units substantially rehabilitated, with agency assistance. Prior  
35 to January 1, 2002, “substantially rehabilitated dwelling units”  
36 shall mean substantially rehabilitated multifamily rented dwelling  
37 units with three or more units regardless of whether there is agency  
38 assistance, or substantially rehabilitated, with agency assistance,  
39 single-family dwelling units with one or two units.



1 (iv) As used in this paragraph and in paragraph (1), “substantial  
2 rehabilitation” means rehabilitation, the value of which constitutes  
3 25 percent of the after rehabilitation value of the dwelling, inclusive  
4 of the land value.

5 (v) To satisfy this paragraph, the agency may aggregate new or  
6 substantially rehabilitated dwelling units in one or more project  
7 areas, if the agency finds, based on substantial evidence, after a  
8 public hearing, that the aggregation will not cause or exacerbate  
9 racial, ethnic, or economic segregation.

10 (B) To satisfy the requirements of paragraph (1) and  
11 subparagraph (A), the agency may purchase, or otherwise acquire  
12 or cause by regulation or agreement the purchase or other  
13 acquisition of, long-term affordability covenants on multifamily  
14 units that restrict the cost of renting or purchasing those units that  
15 either: (i) are not presently available at affordable housing cost to  
16 persons and families of low or very low income households, as  
17 applicable; or (ii) are units that are presently available at affordable  
18 housing cost to this same group of persons or families, but are  
19 units that the agency finds, based upon substantial evidence, after  
20 a public hearing, cannot reasonably be expected to remain  
21 affordable to this same group of persons or families.

22 (C) To satisfy the requirements of paragraph (1) and  
23 subparagraph (A), the long-term affordability covenants purchased  
24 or otherwise acquired pursuant to subparagraph (B) shall be  
25 required to be maintained on dwelling units at affordable housing  
26 cost to, and occupied by, persons and families of low or very low  
27 income, for the longest feasible time but not less than 55 years for  
28 rental units and 45 years for owner-occupied units. Not more than  
29 50 percent of the units made available pursuant to paragraph (1)  
30 and subparagraph (A) may be assisted through the purchase or  
31 acquisition of long-term affordability covenants pursuant to  
32 subparagraph (B). Not less than 50 percent of the units made  
33 available through the purchase or acquisition of long-term  
34 affordability covenants pursuant to subparagraph (B) shall be  
35 available at affordable housing cost to, and occupied by, very low  
36 income households.

37 (3) The requirements of this subdivision shall apply  
38 independently of the requirements of subdivision (a). The  
39 requirements of this subdivision shall apply, in the aggregate, to  
40 housing made available pursuant to paragraphs (1) and (2),

1 respectively, and not to each individual case of rehabilitation,  
2 development, or construction of dwelling units, unless an agency  
3 determines otherwise.

4 (4) Each redevelopment agency, as part of the implementation  
5 plan required by Section 33490, shall adopt a plan to comply with  
6 the requirements of this subdivision for each project area. The plan  
7 shall be consistent with, and may be included within, the  
8 community's housing element. The plan shall be reviewed and, if  
9 necessary, amended at least every five years in conjunction with  
10 either the housing element cycle or the plan implementation cycle.  
11 The plan shall ensure that the requirements of this subdivision are  
12 met every 10 years. If the requirements of this subdivision are not  
13 met by the end of each 10-year period, the agency shall meet these  
14 goals on an annual basis until the requirements for the 10-year  
15 period are met. If the agency has exceeded the requirements within  
16 the 10-year period, the agency may count the units that exceed the  
17 requirement in order to meet the requirements during the next  
18 10-year period. The plan shall contain the contents required by  
19 paragraphs (2), (3), and (4) of subdivision (a) of Section 33490.

20 (c) (1) The agency shall require that the aggregate number of  
21 replacement dwelling units and other dwelling units rehabilitated,  
22 developed, constructed, or price-restricted pursuant to subdivision  
23 (a) or (b) remain available at affordable housing cost to, and  
24 occupied by, persons and families of low-income,  
25 moderate-income, and very low income households, respectively,  
26 for the longest feasible time, but for not less than 55 years for  
27 rental units and 45 years for home ownership units, except as set  
28 forth in paragraph (2).

29 (2) Notwithstanding paragraph (1), the agency may permit sales  
30 of owner-occupied units prior to the expiration of the 45-year  
31 period established by the agency for a price in excess of that  
32 otherwise permitted under this subdivision pursuant to an adopted  
33 program that protects the agency's investment of moneys from the  
34 Low and Moderate Income Housing Fund, including, but not  
35 limited to, an equity sharing program that establishes a schedule  
36 of equity sharing that permits retention by the seller of a portion  
37 of those excess proceeds, based on the length of occupancy. The  
38 remainder of the excess proceeds of the sale shall be allocated to  
39 the agency, and deposited into the Low and Moderate Income  
40 Housing Fund. The agency shall, within three years from the date

1 of sale of units pursuant to this paragraph, expend funds to make  
2 affordable an equal number of units at the same income level as  
3 units sold pursuant to this paragraph. Only the units originally  
4 assisted by the agency shall be counted towards the agency's  
5 obligations under Section 33413.

6 (3) The requirements of this section shall be made enforceable  
7 in the same manner as provided in paragraph (7) of subdivision  
8 (f) of Section 33334.3.

9 (4) If land on which the dwelling units required by this section  
10 are located is deleted from the project area, the agency shall  
11 continue to require that those units remain affordable as specified  
12 in this subdivision.

13 (d) (1) This section applies only to redevelopment projects for  
14 which a final redevelopment plan is adopted pursuant to Article 5  
15 (commencing with Section 33360) on or after January 1, 1976,  
16 and to areas that are added to a project area by amendment to a  
17 final redevelopment plan adopted on or after January 1, 1976. In  
18 addition, subdivision (a) shall apply to any other redevelopment  
19 project with respect to dwelling units destroyed or removed from  
20 the low- and moderate-income housing market on or after January  
21 1, 1996, irrespective of the date of adoption of a final  
22 redevelopment plan or an amendment to a final redevelopment  
23 plan adding areas to a project area. Additionally, any agency may,  
24 by resolution, elect to make all or part of the requirements of this  
25 section applicable to any redevelopment project of the agency for  
26 which the final redevelopment plan was adopted prior to January  
27 1, 1976. In addition, subdivision (b) shall apply to redevelopment  
28 plans adopted prior to January 1, 1976, for which an amendment  
29 is adopted pursuant to Section 33333.10, except that subdivision  
30 (b) shall apply to those redevelopment plans prospectively only  
31 so that the requirements of subdivision (b) shall apply only to new  
32 and substantially rehabilitated dwelling units for which the building  
33 permits are issued on or after the date that the ordinance adopting  
34 the amendment pursuant to Section 33333.10 becomes effective.

35 (2) An agency may, by resolution, elect to require that whenever  
36 dwelling units housing persons or families of low or moderate  
37 income are destroyed or removed from the low- and  
38 moderate-income housing market as part of a redevelopment  
39 project, the agency shall replace each dwelling unit with up to  
40 three replacement dwelling units pursuant to subdivision (a).

1 (e) Except as otherwise authorized by law, this section does not  
2 authorize an agency to operate a rental housing development  
3 beyond the period reasonably necessary to sell or lease the housing  
4 development.

5 (f) Notwithstanding subdivision (a), the agency may replace  
6 destroyed or removed dwelling units with a fewer number of  
7 replacement dwelling units if the replacement dwelling units meet  
8 both of the following criteria:

9 (1) The total number of bedrooms in the replacement dwelling  
10 units equals or exceeds the number of bedrooms in the destroyed  
11 or removed units. Destroyed or removed units having one or no  
12 bedroom are deemed for this purpose to have one bedroom.

13 (2) The replacement units are affordable to and occupied by the  
14 same income level of households as the destroyed or removed  
15 units.

16 (g) "Longest feasible time," as used in this section, includes,  
17 but is not limited to, unlimited duration.

18 SEC. 3. Section 33418 of the Health and Safety Code is  
19 amended to read:

20 33418. (a) An agency shall monitor, on an ongoing basis, any  
21 housing affordable to persons and families of low or moderate  
22 income developed or otherwise made available pursuant to any  
23 provisions of this part. As part of this monitoring, an agency shall  
24 require owners or managers of the housing to submit an annual  
25 report to the agency. The annual reports shall include for each  
26 rental unit the rental rate and the income and family size of the  
27 occupants, and for each owner-occupied unit whether there was a  
28 change in ownership from the prior year and, if so, the income and  
29 family size of the new owners. The income information required  
30 by this section shall be supplied by the tenant in a certified  
31 statement on a form provided by the agency.

32 (b) The data specified in subdivision (a) shall be obtained by  
33 the agency from owners and managers of the housing specified  
34 therein and current data shall be included in any reports required  
35 by law to be submitted to the Department of Housing and  
36 Community Development or the Controller. The information on  
37 income and family size that is required to be reported by the owner  
38 or manager shall be supplied by the tenant and shall be the only  
39 information on income or family size that the owner or manager

1 shall be required to submit on his or her annual report to the  
2 agency.

3 (c) (1) The agency shall compile and maintain a database of  
4 existing, new and substantially rehabilitated, housing units  
5 developed or otherwise assisted with moneys from the Low and  
6 Moderate Income Housing Fund. The database shall be made  
7 available to the public *on the Internet* and updated on an annual  
8 basis. The database shall require all of the following information  
9 for each owner-occupied unit or rental unit, or for each group of  
10 units, if more than one unit is subject to the same covenant:

11 (A) The street address and assessor's parcel number of the  
12 property.

13 (B) The size of each unit, measured by the number of bedrooms.

14 (C) The year in which the unit was built.

15 (D) The date of recordation and document number of the  
16 affordability covenants or restrictions required under subdivision  
17 (f) of Section 33334.3.

18 (E) The date on which the covenants or restrictions expire.

19 (F) For owner-occupied units that have changed ownership  
20 during the reporting year, as described in subdivision (a), the date  
21 and document number of the new affordability covenants or other  
22 documents recorded to assure that the affordability restriction is  
23 enforceable and continues to run with the land.

24 (2) The department shall develop and promulgate a uniform  
25 database format satisfying the requirements of paragraph (1) and  
26 shall make that format available to each agency. The agency shall  
27 comply with paragraph (1) regardless of whether the department  
28 has promulgated a uniform database format in compliance with  
29 this paragraph.

30 (d) The agency shall adequately fund its monitoring activities  
31 as needed to insure compliance of applicable laws and agreements  
32 in relation to affordable units. For purposes of defraying the cost  
33 of complying with the requirements of this section and the changes  
34 in reporting requirements of Section 33080.4 enacted by the act  
35 enacting this section, an agency may establish and impose fees  
36 upon owners of properties monitored pursuant to this section.